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SUPREME COURT, U. S.

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No. [redacted] 209

In the

Supreme Court of the United States

OCTOBER TERM, [redacted] 1969

THE RUSH STREET RUGBY SHOP, LTD. and MISS RUGBY SHOP, LTD.,
Plaintiffs-Respondents,
and
ONE EAST MANUFACTURING CO., LTD.,
Plaintiff,
vs.
MARYLAND CASUALTY COMPANY,
Defendant-Petitioner.

BRIEF IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI

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The Scheffer Press, Inc.—ANdover 3-6850

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1968

No. 1494

THE RUSH STREET RUGBY SHOP, LTD. and MISS RUGBY SHOP, LTD.,

Plaintiffs-Respondents,

and

ONE EAST MANUFACTURING CO., LTD.,

Plaintiff,

vs.

MARYLAND CASUALTY COMPANY,

Defendant-Petitioner.

BRIEF IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI

This is an action on a fire insurance policy. The Court of Appeals has rejected the defendant insurance company's contention that it is not maintainable solely because plaintiff corporations were in arrears in payment of state franchise taxes when the action was commenced, although paid while suit was pending in the District Court. The defense is completely technical and seeks to subvert the substantive issues.

The defendant contends, without merit, that the Court of Appeals has in its determination disregarded Illinois law. It relies upon *Jorgensen* v. *Baker,* 21 Ill App 2d 196, 157 NE 2d 773, which the Court of Appeals has clearly considered and distinguished on its facts and rationale. In support of its decision, the Court of Appeals has followed other Illinois authority. *Sternberg Dredging Co.* v. *Estate of Sternberg,* 351 Ill App 514; *Sheffield Steel & Iron Co.* v. *Joseph & Bros. Co.,* 238 Ill App 45.

No federal question is involved, there are no conflicting decisions in the Court of Appeals, there is no conflict with any applicable decision of this Court, and the Court of Appeals judgment does not conflict with Illinois law, either of decision or statute. There is no reason, and particularly no "special and important reason" for review on writ of certiorari.

CONCLUSION

For the reasons stated, the Petition for Writ of Certiorari should be denied.

Respectfully submitted,

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